

Pamela M. Egan, WSBA No. 54736 (*pro hac vice*)
POTOMAC LAW GROUP PLLC
1905 7th Ave. W
Seattle, WA 98119
Telephone: (415) 297-0132
Email: pegan@potomacclaw.com
Attorneys for Mark D. Waldron, Chapter 11 Trustee

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 11

Reference to BAP No.: 20-1156

**CHAPTER 11 TRUSTEE'S
DESIGNATION OF ADDITIONAL
ITEMS PURSUANT TO FEDERAL
RULE OF BANKRUPTCY
PROCEDURE 8009(a)(2) AND
REQUEST FOR TRANSCRIPTS**

Mark D. Waldron, in his official capacity as the Chapter 11 Trustee (the "Trustee"), hereby respectfully designates the following additional items in the appellate proceeding, BAP No.: 20-1156, regarding the *Notice of Appeal and Statement of Election* filed by June Dam on June 25, 2020, [Doc 626] of the *Order Approving: (i) Sale of TNT Facility and Trailer Equipment Free and Clear of Liens, Claims and Interests, Subject to Overbidding, Approving Notice Thereof; (ii)*

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 1

1 *Assumption and Assignment of Leases and Power Contract and (iii) Granting*
2 *Request for Shortened Notice Thereon*, entered on the Court's docket on May 19,
3 2020. This designation is submitted pursuant to Rule 8009(a)(2) of the Federal Rules
4 of Bankruptcy Procedure:

5 **DESIGNATION OF ADDITIONAL RECORDS**

6 **(Main Case)**

7 Docketing	Docket	Document Title
8 Date	No.	
9 11/19/2018	1	Voluntary Petition Under Chapter 11 and Accompanying
10		Documents, Non-Individual
11 12/19/2018	56	Appointment of Unsecured Creditors' Committee
12 01/11/2019	94	Notice of Appearance by Dominique R. Scalia, Ben
13		Ellison and Daniel Bugbee as counsel for the Official
14		Committee of Unsecured Creditors
15 1/24/2019	145	Order Granting Application to Approve Employment of
16		DBS Law as Attorney for Unsecured Creditors'
17		Committee <i>Nunc Pro Tunc</i> to January 11, 2019
18 1/24/2019	146	Order Approving Appointment of Chapter 11 Trustee
19 1/29/19	151	Amended Appointment of Unsecured Creditors'
20		Committee (Re 56)

21
22
23
24 Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record
on Appeal - Page 2

1	4/5/2019	261	Memorandum of Points and Authorities in Support of
2			Motion to Authorize Chapter 11 Trustee to Perform
3			Pursuant to Moses Lake Two-Way Agreement
4	4/5/2019	262	Declaration of Mark D. Waldron, Chapter 11 Trustee, in
5			Support of Motion to Authorize Chapter 11 Trustee to
6			Perform Pursuant to Moses Lake Two-Way Agreement
7	4/5/2019	263	Notice of Motion and Time to Object re 260.
8	4/10/2019	266	Certificate of Service re 260
9	4/11/2019	267	Certificate of Service re 263
10	4/11/2019	271	Ch. 11 Trustee's Monthly Operating Statements, Feb.
11			2019
12	4/11/2019	272	Ch. 11 Trustee's Monthly Operating Statements, Mar.
13			2019
14	4/11/2019	273	MINUTE Entry. Status on Continued Hearing. HELD.
15			Pam Egan, attorney for ch. 11 trustee, reported the Motion
16			has been resolved based upon two agreements - between
17			the estate and Moses Lake Landlord (Motion 260) and
18			agreement re the claim of ECO Diversified (re sublease on
19			the Moses Lake facility) which will be filed shortly
20	4/16/2019	277	Chapter 11 Trustee's Motion to Approve Moses Lake
21			Three-Way Agreement

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 3

1	4/16/2019	278	Memorandum in Support of Chapter 11 Trustee's Motion
2			to Approve Moses Lake Three-Way Agreement
3	4/17/2019	279	Declaration of Mark D. Waldron in Support of Chapter 11
4			Trustee's Motion to Approve Moses Lake Three-Way
5			Agreement
6	4/17/2019	280	Notice of Motion and Time to Object (re: Motion Approve
7			Compromise (277))
8	4/22/2019	281	Adversary Case 19-80012 Commenced: Verified
9			Complaint for Avoidance and Recovery of Fraudulent
10			Transfers and/or Preferential Transfers; Breach of
11			Fiduciary Duty; Turnover; and Injunctive Relief; and the
12			Chapter 11 Trustee's Objections to Claims of David M.
13			Carlson (Claims Nos. 318 and 319) and of Clever Capital
14			LLC(Claim No. 320)
15	4/23/2019	282	Certificate of Service [277, 280]
16	5/9/2019	293	Unsecured Creditors' Committee's Supplemental
17			Response to Trustee's Motion for Order Approving Moses
18			Lake Two-Way Agreement
19	5/10/2019	300	Order Granting Chapter 11 Trustee's Motion for Order
20			Approving [Two-Way] Agreement With Moses Lake
21			Landlords (Re 260)
22	5/14/2019	301	Monthly Operating Statements, April 2019

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 4

1	5/17/2019	307	Declaration of No Objections to Chapter 11 Trustee's
2			Motion for Order Approving Moses Lake Three-Way
3			Agreement. [Docket Text]
4	5/20/2019	309	Order Granting Motion to Approve Moses Lake Three-
5			Way Agreement
6	6/14/20	326	Monthly Operating Statements, May 2019
7	7/16/2019	342	Monthly Operating Statements, June 2019 Filed by
8			Trustee Mark Waldron
9	8/14/2019	352	Monthly Operating Statements, for July 2019. Filed by
10			Mark Waldron
11	8/22/2019	353	Motion for Order: (i) Setting Expedited Hearing on
12			Request for Authority to Re-open the TNT Facility and to
13			Borrow On Interim Basis; (ii) Authorizing Re-opening of
14			TNT Facility, and (iii) Approving Financing on Interim
15			and Final Basis With Super-Priority Unsecured Status.
16			Filed by Pamela Marie Egan on behalf of Mark Waldron.
17	8/22/2019	354	Memorandum in Supp. of Motion to Obtain Credit <i>et al.</i>
18			[353]
19	8/22/2019	355	Declaration in Support of Motion to Obtain Credit, <i>et al</i>
20			[353]
21	8/22/2019	356	Notice of Motion and Time to Object and Notice of
22			Hearing. Filed by Pamela Marie Egan on behalf of Mark. .

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 5

1			. .The Hearing date is set for 8/29/2019 at 10:00 AM at
2			Hrg location - US Post Office Bldg, 904 W Riverside Ave,
3			3rd Floor Courtroom, Spokane, WA
4	8/22/2019	357	Supplement to Resubmission of Exhibit B. (RE: Motion to
5			Obtain Credit Under Sec 364 (Re 353)
6	8/23/2019	358	Amended Notice of Motion and Time to Object and
7			Amended Notice of Hearing (RE: Motion to Obtain Credit
8			Under Sec 364353 353, Notice of Hearing 356)). The
9			Hearing date is set for 8/29/2019 at 10:00 AM at Hrg
10			location - Telephonically by calling 509-353-3183
11	8/27/2019	359	Certificate of Service [353, 358]
12	8/27/2019	360	Objection re Motion to Obtain Credit Under Sec. 264
13			(353)
14	8/28/2019	361	Response signed by Ben Ellison (re Motion to Obtain
15			Credit Under Sec. 364 (353), filed by Unsecured
16			Creditors' Committee`
17	8/29/2019	363	MINUTE Entry. Motion. HELD. Based upon the
18			testimony of the trustee and the record, the court will grant
19			the Motion on an expedited basis and set a final hearing on
20			the remaining funds requested on 9/24/2019 at 01:30 p.m.
21			- US Post Office Bldg, 904 W Riverside Ave, 3rd Floor
22			Courtroom, Spokane, WA. Ms. Egan shall submit the

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record
on Appeal - Page 6

1			order and indicate that the order does not resolve any
2			issues pending in the pending adversary proceeding. (re:
3			353) . . .
4	8/29/2019	365	Order Granting Request for (i) Expedited Hearing on
5			Authority to Re-Open the TNT Facility and to Borrow on
6			Interim Basis; (ii) Authorizing Re-Opening of TNT
7			Facility; and (iii) Approving Financing on Interim Basis
8			With Super-Priority Unsecured Status and Order Setting
9			Final Hearing on Request to Borrow (re 353). Final
10			Hearing is scheduled 9/24/2019 at 1:30 PM. (KAM)
11			(Entered: 08/29/2019)
12	8/30/2019	366	Notice of Hearing (re 353)
13	9/4/2019	370	Certificate of Service of Notice of Hearing [366] (re 353)
14	9/16/2019	372	Monthly Operating Statements, August 2019
15	9/20/2019	373	Objection re Motion to Obtain Credit Under Sec 364 (re
16			353)
17	9/24/2019	377	MINUTE Entry. Final Hearing/Motion to Approve
18			Unsecured Super Priority Credit. HELD. Based upon the
19			record and comments of counsel, the court granted the
20			Motion (financing). Ms. Egan will present the order and
21			include language reserving any and all issues in the
22			adversary proceeding Waldron v. Carlson, Case No. 19-

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 7

1			80012, and circulate to counsel. The parties conferred on
2			mediation regarding the adversary proceeding. Mr.
3			McDonnell will verify with his client that he would like to
4			move forward in this regard. (RE: 353 Motion). . .
5	10/1/2019	380	Order Granting Financing on Final Basis With Super-
6			Priority Unsecured Status [Re 353]
7	10/15/2019	390	Monthly Operating Statements, September 2019
8	11/14/2019	418	Monthly Operating Statements, October 2019
9	12/12/2019	431	Disclosure Statement, filed by Unsecured Creditors'
10			Committee
11	12/12/2019	432	Monthly Operating Statements, November 2019
12	12/17/2019	437	Notice of Filing Written Disclosure Statement and
13			Proposed Plan (RE: Disclosure Statement) (Re 431). Filed
14			by Benjamin A Ellison on behalf of Unsecured Creditors'
15			Committee. The Hearing date is set for 1/23/2020 at 01:30
16			PM at Hrg location - US Post Office Bldg, 904 W
17			Riverside Ave, 3rd Floor Courtroom, Spokane, WA.
18			(Ellison, Benjamin) DEPUTY Clerk Note: hearing time
19			and location not given in notice.
20	1/7/2020	444	UST's Objection (re Disclosure Statement) (re 431)
21	1/9/2020	445	Chapter 11 Trustee's Joinder Re Objection of UST (re
22			431)

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 8

1	1/9/2020	446	Notice of Motion and Notice of Hearing if Objection
2			Received Filed by Benjamin A Ellison on behalf of
3			Unsecured Creditors' Committee (Disclosure Statement)
4			(431). . . Hearing to be held on 1/23/2020 at 10:00 AM at
5			Hrg location - US Post Office Bldg, 904 W Riverside Ave,
6			3rd Floor Courtroom, Spokane, WA
7	1/10/2020	447	Monthly Operating Statements, December 2019
8	2/3/2020	474	Memorandum in Support of Chapter 11 Trustee's Motion
9			to Approve Compromise (Carlson Settlement) (473)
10	2/3/2020	475	Declaration of Mark D. Waldron in Support Chapter 11
11			Trustee's Motion of to Approve Compromise (Carlson
12			Settlement) (473)
13	2/3/2020	476	Notice of Motion and Time to Object (Re Motion to
14			Approve Compromise) (473)
15	2/7/2020	477	Certificate of Service Of Notice (476) (re Motion to
16			Approve Compromise (473)
17	2/13/2020	480	Monthly Operating Statements, January 2020
18	3/9/2010	506	Declaration of No Objections . Filer represents to the
19			Court, under penalty of perjury, that the Motion (Docket
20			No. 473) and Notice (Docket No. 476), were served as
21			documented in the Certificate of Service (Docket No.
22			477). No objections have been filed (RE: MOTION to

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 9

1			Approve Compromise 473). Filed by Pamela Marie Egan
2			on behalf of Mark Waldron (Egan, Pamela) (Entered:
3			03/09/2020)
4	3/11/2020	509	Monthly Operating Statements, February 2020
5	4/15/2020	554	Monthly Operating Statements, March 2020
6	4/24/2020	584	Certificate of Service (re Notice of Hearing) (575)
7	5/6/2020	585	Objection (re Motion to Sell Property Free and Clear of
8			Liens) (573)
9	5/6/2020	586	Declaration signed by Kathryn R. McKinley (re
10			Objection) (585)
11	5/13/2020	None	Minute Entry re 573
12	5/14/2020	600	Monthly Operating Statements, April 2020
13	5/28/2020	603	Amended (re Appointment of Unsecured Creditors'
14			Committee (56, Amended 151)
15	5/29/2020	605	Amended (re Appointment of Unsecured Creditors'
16			Committee) (56, Amended 151, Amended 603)
17	6/9/2020	613	Minute Entry Order: Pursuant to Local Bankruptcy Rule
18			9013-1(e), the court will consider Jun Dam's Motion to
19			Request Reconsideration of Order Approving Sale of TNT
20			Facility and Trailer Equipment Free and Clear of Liens
21			(ECF No. 610) without response from the opposing
22			parties. The court will hear Mr. Dam's Motion on June 17,

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 10

		2020 at 2:30 p.m. All participants shall call into (877) 402-9753, Access Code 3001392. At the hearing the court will inform opposing parties if a response to the motion is requested. SO ORDERED. Frederick P. Corbit, U.S. Bankruptcy Judge. This text entry constitutes the official order pursuant to LBR 9013-1(c)(4)(B). (RE: Motion to Reconsider 610)	
6/10/2020	615	Monthly Operating Statements, May 2020	

DESIGNATION OF ADDITIONAL RECORDS

(Adversary Proceeding – Carlson AP 19-80012)

Docket Date	Adv. Docket No.	Document Title
4/22/2019	1	Complaint
4/22/2019	2	EMERGENCY APPLICATION For Order to Show Cause For Temporary Restraining Order and Preliminary Injunction. Filed by Pamela Marie Egan on behalf of Mark D. Waldron (Attachments: # 1 Exhibit A) (Egan, Pamela) DEPUTY Clerk Note: entry clarified to match pdf. Modified on

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 11

Docket Date	Adv. Docket No.	Document Title
		4/23/2019 (KAM). (Entered: 04/22/2019)
4/22/2019	3	PLAINTIFF'S REQUEST For Judicial Notice of Adjudicative Facts in Support of Emergency Application. Filed by Pamela Marie Egan on behalf of Mark D. Waldron (RE: Emergency Application 2). (Egan, Pamela) DEPUTY Clerk Note: Entry clarified to match pdf. Modified on 4/23/2019 (KAM). (Entered: 04/22/2019)
4/23/2019	4	NOTICE of Appearance. Filed by Dominique R Scalia on behalf of Unsecured Creditors Committee of Giga Watt Inc.. (Scalia, Dominique) (Entered: 04/23/2019)
4/25/2019	11	Order Granting Motion to Show Cause and for Temporary Restraining Order (re 2)
4/30/2019	19	AMENDED ORDER to Show Cause For Preliminary Injunction and Temporary Restraining Order (RE:

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 12

Docket Date	Adv. Docket No.	Document Title
		Motion for Temporary Restraining Order 2, Temporary Restraining Order 11). (KAM) (Entered: 04/30/2019)
6/5/2019	70	Order Granting Preliminary Injunction
6/6/2019	71	Answer to Complaint

REQUEST FOR TRANSCRIPTS

Docketing Date	Docket No.	Transcript
5/10/19	296	Hearing on Moses Lake (Two Way) (260)
8/29/2019	362	Hearing on Motion to Obtain Credit (353) (Interim)
9/24/2019	376	Hearing on Motion to Obtain Credit (353) (Final)
1/23/2020	453	Hearing on Disclosure Statement, et al.

RESERVATION OF RIGHTS

The Trustee does not intent to waive, and expressly hereby reserves, any right to move to dismiss the appeal on any basis or to file any other appropriate motion or request for relief.

Dated: July 15, 2020

POTOMAC LAW GROUP PLLC

By: /s/ Pamela M. Egan
Pamela M. Egan (WSBA No. 54736)
Attorneys for Mark D. Waldron, Chapter 11 Trustee

Chapter 11 Trustee's Designation of Additional Items To Be Included in the Record on Appeal - Page 13